App. F. IX-4

Previous References

Later References

1933. (Mezzari)

File No. 56-33

Serial Nos. 2-4.

General and Revenue Secretariat.

Serial Nos. 2

Part B for December 33

SUBJECT.

Praying for permission to file a civil Suit against the Respondents viz Association by name Anjumane Mahammadia Dayarath Ul Islam at Malavalli

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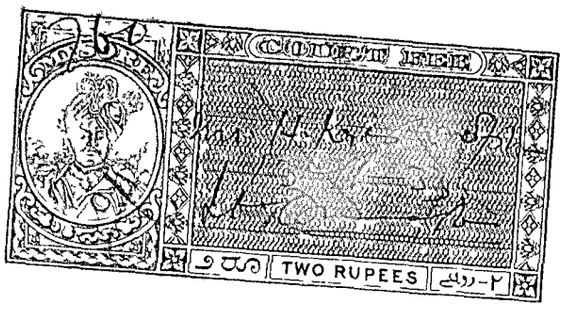
814. Messrs Yakub Sab & Dawood Sab. Kiragaval Malavalli Taluk

No. 813 & 14 12-33

Rejecting the above petition



CHIEF SECRETARIAT
62
1 NOV

GENL. & REV.
589
20 NOV 1933
MUZRAI

BEFORE THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

** **:0:**.**

Muzrai appeal No. 11 of 1933-34.

Petitioners:-

(1) Yakub Sab and (2) Davood Sab, both residing at Kiragaval, Malavalli Taluk.

Vs.

Opponents:-

(1) K. Ibrahim Sab, Land-holder, president, Anjumane Hamedia Dayarat'ul Islam Kirgaval, Malavalli Taluk,

(2) Sha Ahmed Khan, Vice president, Kirgaval, Malavalli Taluk.

The petitioners respectfully beg to state as follows:-

(1) That against the order of the Deputy Commissioner of Mysore District dated the 25th May 1933 in Muzrai Miscellaneous application No. 554 of 1932 refusing to give permission to file a Civil suit against the opponents under section 92, Civil Procedure Code, the petitioners submitted an appeal memo dated the 4th August 1933 stating for reasons therein mentioned that the order of the Deputy Commissioner may be set aside and permission granted to the petitioners or that the Deputy Commissioner may be directed to grant the necessary permission under section 92 of the Code of Civil Procedure.

(2) That on the 18th August 1933, the petitioners were informed that no appeal lay to the Government against the said order of the Deputy Commissioner and under No. 243/Muz. 56-33- dated the 2nd August 1933 the same was communicated to them

their Advocate.

(3) The petitioners submit that the said order of the Deputy Commissioner being an executive or administrative order was not one that could be corrected by the High Court of Mysore (9 Mysore Law Journal page 144) Government Vs. Rangamma and others.

(4) The only authority that could sit in Judgment over the order is the Government and no other authority could do so.

(5) The petitioners submit that though there is no appeal as stated by the Government in the endorsement granted (quoted above) the appeal may be treated as a revision petition and pray that the said order be revised and relief granted to the petitioners as prayed for.

(Sd) Davood Sab

(Sd) Yakub's

Advocate for Petitioners. Petitioners.

We the petitioners above do hereby declare that what is contained herein is true to the best of our knowledge and belief.

(Sd) Davood Sab

Bangalore,
13th Nov: 33

(Sd) Yakub Sab

Petitioners.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

General and Revenue Secretariat,

Dated, Bangalore..... 18th August 1933.

No.

ENDORSEMENT.

To

Messrs. Yakub Sab & Davood Sab,
Kiragaval, Malavalli Taluk.

With reference to their petition dated 4-8-1933 filed by Mr.H.Krishnappa, Advocate, appealing against the decision of the Deputy Commissioner in Muzrai Miscellaneous applica tion No.554 of 1932 refusing the permission to file a civil Suit against the respondents in respect of an Association by name Anjumane Mahammadevia Dayarath Ul Islam, at the place, the petitioners are informed that no appeal lies to Government against the order of the Deputy Commissioner in this case.

By order,

Sd. A.N. Raghavachar.
Financial Secretary to Government

TD4.

P.T.O.

4

Memo, No. 243 / Mug 56-33

Dated, Bangalore the 23rd August 1933.

Copy of the above is forwarded to Mr. H. Krishnappa, Advocate, Bangalore city.

By order,

for Financial Secretary to Govt.

9-5

Serial No.

(1) After considering the Law Secn orders were passed in the Case (vide paras 4, 5-6+7 of Mem 56-33-2 pontah for repn)

(2) — I respects

GS 27/11 (3) Reference is ~~echo~~ in mind the Members orders of 14.8.33 in para 7 Rules in the Same Case

27/11/33

(4) The petition may stand be rejected - 28/11/33

Secretary)

2nd Asst) (5) 1/12

1/12

(6) JPR 30.11.33 4/12

7 Encl to the petitioners is ~~forthwith~~ Rejected

Signature -

GS 30/11

P) Secy 7/12

No 819 of 14.12.33 to the Valuer Sub Divisional Sub of Kivalaya at Malvalli Taluk. intimating that their petition is rejected -

By 15/12

Second Member of Council No 33220

WD 0434—GPB—15,000—12 10-32

File No. of 193 .

General and Revenue Secretariat

Serial No.

b

Please quote this number in your future communications No. 818

Office of the General and Revenue Secretariat, Mezzanine Floor, Bombay.

Dated 5/12/1933.

14th.

Mes

ENDORSEMENT.

To

Mess Yakub Sab and Dawood Sab
Kirgaval - Malvalli Taluk.

Reference:—~~His/Her letter~~/petition dated 13.11.1933

Subject:—

Re: permission to file a civil suit against the respondents in respect of an Association by name Anjuman Mahaderia Dagarah ul Islam at Kirgaval of the Taluk.

Reference is invited to item No 4 below.

Signature.

Designation. for Financial Secretary as Under Secy

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*1. The ~~request cannot be granted~~ petition is rejected.

2. ~~The letter/petition has~~ been referred to ..... for.....

3. Attention is drawn to this office No..... dated .....

4. No..... dated..... cannot be traced, a copy may be sent.

5. The enclosures are not received.

6. The petition is returned herewith as
   (i) it is not in the prescribed form
   or (ii) it is not duly stamped
   or (iii) it is not presented within the prescribed time
   or (iv) it is not accompanied by a copy of the order appealed from or complained of.

7. The petition is returned for presentation to .....

8. The petition is returned
   (*a* as it is written illegibly
   (*b*) as its subject matter is not clear
   (*c*) as it is couched in improper language.

~~Reasons if any to be mentioned in brief~~

13/12

WD 01724—GPB—8,000—23-4-28